

ARKANSAS STATE BOARD OF COSMETOLOGY 2007 LEGISLATIVE UPDATE

The 86th General Assembly has adjourned and many positive changes will be seen for the Arkansas State Board of Cosmetology (hereinafter referred to as "Board") in the upcoming months. Therefore, the information that follows will alert you to what can be expected as we move forward with implementing these changes.

HB1368 passed in a modified version and is now Act 244. This legislation recomposes the Board and because of an emergency clause, it became effective immediately upon Governor Mike Beebe's signature on March 9. Some existing members of the Board will not fulfill their terms because of these revisions. We are currently waiting on word from the Governor's office on the new appointments. Here are the substantive changes occurring to the Board's composition:

- Terms will be staggered annually on January 15, which will prevent multiple vacancies from occurring at one time;
- The positions will be as follows:
 - 4 cosmetologist positions;
 - 1 manicurist position;
 - 1 aesthetician position;
 - 2 school owner positions;
 - 1 director position specifying that the person must be over a cosmetology program in a state-supported school;
 - 1 consumer representative position specifying that the person must be at least 60 years of age;
- Members cannot have a contract or pending bid for a contract with the board.

SB229 passed in a modified version and is now Act 223. It contains numerous revisions to the Cosmetology Act. Many of these revisions are clean-up in nature; however, this legislation contains the following substantive revisions:

- Modification to the aesthetician definition will allow an aesthetician to perform services on any part of the body and clearly states that waxing is an eligible service;
- Practitioners will be allowed to work outside a licensed school or establishment under certain circumstances;
- The penalty provisions will be simplified and organized;
- Clarification will be given on criminal convictions and dishonesty as reasons for disciplinary action;
- The mandatory retirement age for Board employees will be removed;
- Clarification will be given to hold the Director responsible for day-to-day and employment decisions;
- Modification to the examinations removes the Board as the examiners and instead specifies that the inspectors must administer the exams or the Board must outsource this responsibility;
- Clarification will be given that examinations must be held on a monthly basis;
- The fee schedule will be removed from the law and will be placed in the rules;
- Exam pre-requisites will be simplified and organized;
- Clarification will be given to explain that the written exam covers both the core domain and law;
- Clarification will be given to require a reciprocity applicant to have taken a national exam in a previous state and must take the Arkansas law exam to become licensed in this state;
- Licenses will include a photograph;
- The renewal cycle will change to a 2-year cycle and on the practitioner's birthday for licensees. Establishment and school owners will continue to renew their licenses on December 31 unless the owner desires to renew all licenses simultaneously on the 2-year birthday cycle;
- The Board will be mandated to establish by rule guidelines in using chemicals and equipment when performing cosmetological services;

- A lifetime license will be available for persons 65 years of age and who have been actively engaged in practicing and/or teaching for 30 years or more;
- A medical waiver for practitioners will be available when the practitioner is under the care of a physician for a long-term medical condition;
- The Board will have the option to impose a penalty in the form of a health/safety workshop in conjunction with or in lieu of a monetary penalty when deemed necessary;
- The mandatory 168 square feet requirement for a new salon will be removed;
- Clarification will be given that the Board may deny a license to a school or licensee upon evidence that the public's health/safety would be jeopardized;
- Modification to the provision addressing a school supervisor will require the school to be "under the supervision" of a licensed cosmetologist, as opposed to being "under the immediate supervision" of a licensed cosmetologist.
- Any licensee (i.e. cosmetologist, manicurist, aesthetician or electrologist) will be eligible to enter the instructor program to obtain an instructor's license, and when properly licensed, be eligible to teach within the profession in which the license to practice allows;
- Clarification will be given that a school must teach the cosmetology program regardless of whether a specialty program is offered;
- Continuing education requirements for instructors will be removed;
- Clarification will be given that courses may not exceed 6 days per week and 8 hours per day;
- Student permits will include a photograph;
- Clarification will be given to the provision addressing student registration to state that a student shall not earn hours prior to the date in which the board has issued a student permit;
- Modification to the provision addressing student registration will loosen the registration requirements, which will reduce paperwork for schools and the office when a student has a previous enrollment (i.e. a re-enrollment form will be developed for use in these cases that will need to be submitted with the student's photograph and enrollment fee. No other documentation will have to be submitted unless it is not on file at the office);
- The 3-year law will be removed, which results in a student's hours remaining valid indefinitely;
- Clarification will be given concerning a student volunteering services outside the school environment while under the direct supervision of a licensed instructor; and,
- A student will be prohibited from performing services on an elderly person confined in a hospital or nursing home.

SB210 to eliminate the practical examination was not reviewed during the legislative session; therefore, it is not a change for us to implement. According to the Assembly's website, this bill has been recommended for study in the Interim Committee on State Agencies.

Acts without an emergency clause become effective 91 days after adjournment, which at this time appears to be May 1. In this case, the effective date will be July 31. Copies of the new law book will be available after it has been codified and made available to this agency.

In the meantime, the law exam will continue to cover the existing laws as has been the case since February 2006.